

REMARKS

Applicant thanks the Examiner for carefully reviewing the application. Please reconsider this application in view of the above amendments and the following remarks.

Disposition of the Claims

Claims 1-18 were pending. Claims 1-5 and 8-16 have been cancelled, without prejudice or disclaimer. Claims 19-21 have been added. Therefore, claims 6, 7, and 17-21 are pending. Claim 6 is independent. The remaining claims depend from claim 6.

Amendment to the Claims

Claims 6 and 7 have been amended to delete the non-elected subject matter. Claims 17 and 18 have been amended to clarify the invention recited. New claims 19-21 are added. Support for the new claims can be found, for example, in paragraphs [0041] and [0058] of the published application 2006/0189521. No new matter is introduced by these amendments.

Claim Objections

Claims 6 and 7 have been amended to delete the non-elected subject matter. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 6, 7, 10 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Shimkets et al. (WO 01/47944 A2; hereinafter “Shimkets”). Claim 10 has been deleted. Claims 6, 7, and 17 have been amended. To the extent that this rejection still applies to the amended claims, this rejection is respectfully traversed.

The examiner asserts that sequence No. 185 of Shimkets is complementary to the hLRTM4 SEQ ID NO: 1. However, sequence No. 185 of Shimkets includes a mismatch in the

middle of the 51-mer sequence, with respect to the hLRTM4 sequence (see below). Therefore, it does not have a contiguous fragment of at least 30 bases that can bind with the hLRTM4 sequence. Accordingly, withdrawal of this rejection is respectfully requested.

hLRTM4 (SEQ ID NO:1)

. . . tgctg tgggtgctgc ggcaacgagg gctgtggaa gcgatttgcg atgttcacct ccacg . .
(185) 3' c acccacgacg ccgttgctcc cgacgccctt cgctaaacgc tacaagtgga 5'

New Claims

New claim 19 depends from claim 6. New claims 20-21 are directed to methods of using the composition of claim 6. The composition claim and the method claims that use the composition do share unity of invention, under PCT Rules 13.2 and 13.3; see also 37 C.F.R. § 1.475(b)(2). For reasons set forth above, claim 6 is patentable. Therefore, the new claims should also be patentable.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17257/005001).

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Respectfully submitted,

By 

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